

# Advisory Opinion

IECDB AO 2005-15

September 29, 2005

Steven K. Young  
Director  
Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319-0083

Dear Mr. Young:

This opinion is in response to your letter of July 19, 2005, and subsequent emails, requesting an opinion from the Iowa Ethics and Campaign Disclosure Board pursuant to Iowa Code section 68B.32A(11) and Board rule 351—1.2. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

## FACTUAL STATEMENT:

We understand you request this opinion in your capacity as the Director of the Iowa Department of Inspections and Appeals (DIA). You advise us that the Child Advocacy Board, an entity under the umbrella of DIA, receives the use of office space from various county governments. You seek clarification on whether the receipt of office space is a reportable gift to the Iowa Ethics and Campaign Disclosure Board (Board) under new Iowa Code section 8.7.

## QUESTION:

Are donations of office space to the Child Advocacy Board by county governments reportable gifts under Iowa Code section 8.7?

## OPINION:

In 2005 Iowa Acts, House File 810, section 27, the General Assembly enacted new Iowa Code section 8.7 that requires, in part, "all gifts, bequests, and grants received by a department or accepted by the governor on behalf of the state" to be reported to the Board.

We understand that the Child Advocacy Board as part of its work travels to various counties in Iowa and will use public buildings belonging to the counties for short periods of time. Use of the buildings does mean that DIA does not have to expend resources to rent space in the counties.

While there is some “cost avoidance” to DIA when county governments permit the Child Advocacy Board to use public buildings, we do not believe that the occasional use of office space belonging to one governmental entity by another creates a reportable “gift” under Iowa Code section 8.7. Otherwise, any time that a governmental agency used another agency’s conference room for a meeting, the fair market value of the conference room would have to be determined and a report filed with the Board. Such situations would discourage governmental cooperation and the sharing of resources.

Thus, the Department of Inspections and Appeals does not need to file a report under Iowa Code section 8.7 with the Board disclosing the donation of county government office space to the Child Advocacy Board as outlined in this opinion.

In closing, the Board notes that there might be situations when a governmental agency may use the space of another governmental agency to such a level that it would become a reportable “gift” under Iowa Code section 8.7.<sup>1</sup> An agency concerned about a situation when the continued use of space belonging to another governmental entity might trigger the reporting requirements of Iowa Code section 8.7 should contact the Board for further guidance.

#### BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair  
Janet Carl, Vice Chair  
Gerald Sullivan  
Betsy Roe  
John Walsh  
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

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<sup>1</sup> For example: since state agencies are now required to pay fees for the space they occupy, a situation such as an agency permitting another agency to use office space for a month without charging a fee could trigger Iowa Code section 8.7.